

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

FREDDIE LEE FOUNTAIN, #1640115	§	
VS.	§	CIVIL ACTION NO. 6:12cv877
INTERNAL REVENUE SERVICE	§	

ORDER OF DISMISSAL

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge John D. Love. The Report and Recommendation of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts same as the findings and conclusions of the Court. It is therefore

ORDERED that the Plaintiff's motion to dismiss (docket entry #13) is **GRANTED**. It is further

ORDERED that the complaint is **DISMISSED** without prejudice. Fed. R. Civ. P. 41(a)(1). It is further

ORDERED that the Plaintiff's motion to waive the filing fee (docket entry #16) is **DENIED**. See *Hatchet v. Nettles*, 201 F.3d 651, 654 (5th Cir. 2000) ("No relief from an order directing payment of the filing fee should be granted for a voluntary dismissal."). It is further

ORDERED that all motions not previously ruled on are **DENIED**. It is finally

ORDERED that the Defendant need not respond to the summons issued in this case.

So ORDERED and SIGNED this 15th day of February, 2013.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

LEONARD DAVIS
UNITED STATES DISTRICT JUDGE